



PUBLIC NOTICE

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PLEASE READ THE FOLLOWING INFORMATION CAREFULLY; IT CONCERNS REGULATORY OBLIGATIONS THAT APPLY TO WIRELESS SERVICE PROVIDERS AND HANDSET MANUFACTURERS.

Enforcement Bureau Takes Action to Enhance Access to Digital Wireless Service for Individuals with Hearing Disabilities

Wireless Service Providers and Handset Manufacturers Advised to Review Compliance

The Enforcement Bureau has taken action against several companies for their failure to provide information that helps individuals with hearing disabilities fully utilize wireless phone services – allowing them to communicate effectively on their wireless phones without excessive feedback and noise.

FCC rules require most digital wireless handset manufacturers and wireless service providers to make available a minimum number of hearing aid compatible handsets.¹ In order to ensure that consumers have access to up-to-date information on the availability of those handsets, and to ensure that the Commission can monitor compliance, FCC rules also require these manufacturers and service providers to make periodic status reports and to post specific information on their public web sites. The Enforcement Bureau this week proposed forfeitures totaling \$87,000 against seven companies, and issued Citations to two additional companies, for violating the reporting and posting requirements.

The reports and web content provide valuable information to the public concerning the technical testing and commercial availability of hearing aid-compatible handsets, both for consumers, particularly those with hearing disabilities, and for service providers seeking information regarding the hearing aid compatibility of manufacturers' products. The rules at issue in this week's actions require the following:

- Manufacturers were required to submit reports detailing their efforts toward compliance with the hearing aid compatibility requirements on January 15, 2009, on July 15, 2009, and must continue to file them on an annual basis on July 15 thereafter.

¹ The full text of the hearing aid compatibility rules is set forth at 47 C.F.R. § 20.19. These rules include technical standards that digital wireless handsets must meet to be considered compatible with hearing aids operating in acoustic coupling and inductive coupling (telecoil) modes, and establish deadlines by which manufacturers and wireless service providers, including resellers and Mobile Virtual Network Operators, are required to offer specified numbers or percentages of handsets per air interface that comply with the relevant standard. In addition, manufacturers and service providers must label the handsets with the appropriate technical rating, and explain the technical rating system in the owner's manual or as part of the packaging material for the handset.

- Service providers were required to submit status reports on January 15, 2009, and must continue to file them on an annual basis on January 15 thereafter.
- Manufacturers and service providers with publicly-accessible web sites must also maintain a list of currently available hearing aid compatible handset models, the technical ratings of those models, and an explanation of the rating system.

With these latest actions, we again confirm, consistent with past cases, that (i) a company's failure to familiarize itself with the relevant law does not excuse noncompliance; and (ii) there is no *de minimis* exception to the wireless hearing aid compatibility reporting requirement.² We therefore urge closer attention to these rules by wireless service providers and handset manufacturers, as we intend to continue to strictly enforce these rules against those who fail to comply. Failure to comply with the reporting and web site posting requirements may result in monetary forfeitures starting at \$6,000 per violation.

The Bureau's actions this week follow a number of similar enforcement actions. Since May 2007, the Bureau has issued 31 Notices of Apparent Liability for Forfeitures and Consent Decrees totaling \$665,500 for violations of the hearing aid compatibility handset, labeling and reporting requirements.

For additional information regarding compliance and enforcement of the wireless hearing aid compatibility rules, please contact Ricardo Durham, (202) 418-1154, ricardo.durham@fcc.gov, or JoAnn Lucanik, (202) 418-0873, joann.lucanik@fcc.gov of the Enforcement Bureau. For general information on the wireless hearing aid compatibility rules, contact Michael Rowan, (202) 418-1883, Michael.Rowan@fcc.gov, or Weiren Wang, (202) 418-7275, Weiren.Wang@fcc.gov.

Media inquiries should be directed to David Fiske, david.fiske@fcc.gov, (202) 418-0513.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the Wireless Telecommunications Bureau on its TTY line at (202) 418-7233 about the wireless hearing aid compatibility rules.

Issued by: Chief, Enforcement Bureau

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² Manufacturers or service providers offering two or fewer digital wireless handset models per air interface qualify for the *de minimis* exception (47 C.F.R. § 20.19(e)) and are exempt from the hearing aid compatibility deployment requirements in 47 C.F.R. § 20.19, but must still comply with the reporting requirement in 47 C.F.R. § 20.19(i).